

ORAL ARGUMENT NOT YET SCHEDULED

**United States Court of Appeals
for the Eighth Circuit**

NATIONAL STONE, SAND AND GRAVEL
ASSOCIATION, ET AL.,
Petitioners,

v.

MINE SAFETY & HEALTH
ADMINISTRATION, ET AL.,
Respondents.

No. 24-2661

JOINT STATUS REPORT

On April 2, 2025, NSSGA Petitioners moved for a stay of the Silica Rule’s compliance deadlines, and for an emergency administrative stay of the compliance deadline (for coal mines) approaching on April 14, 2025. Docs. 5502800, 5502801. On April 11, 2025, SMI filed a motion to hold the case in abeyance for four months. Doc. 5505429. On that same day, the Court granted both NSSGA Petitioners’ stay motion and SMI’s abeyance motion. Doc. 5505588. The Court further ordered the parties to file “a status report regarding the developments in the cases on June 10, 2025, and thereafter as requested.” *Id.*

The consolidated petitions in this case seek review of a final rule (the “Silica Rule”) that Respondent Mine Safety and Health Administration (“MSHA”) issued in April 2024. *See* 89 Fed. Reg. 28,218 (Apr. 18, 2024). MSHA announced a

temporary four-month pause on enforcement of the Silica Rule on April 8, 2025.
Doc. 5505028. The parties submitted an initial joint status report on June 10, 2025.
Doc. 5525775.

The parties hereby report to the Court that they are still discussing potential settlement of the petitions, and those discussions are ongoing. The parties request that the Court extend the abeyance to October 17, 2025, and order another status update on October 10, 2025.

August 11, 2025

Respectfully submitted,

/s/ Keith Bradley
KEITH BRADLEY
PETER S. GOULD
KAYLA MARIE MENDEZ
717 17th Street, Suite 1825
Denver, CO 80202
T: (303) 830-1776
F: (303) 894-9239
keith.bradley@squirepb.com
peter.gould@squirepb.com
kayla.mendez@squirepb.com

MORGAN MILLER
2550 M Street NW
Washington, DC 20037
morgan.miller@squirepb.com

TREVOR PIROUZ KEHRER
555 South Flower Street, 31st Floor
Los Angeles, CA 90071
trevor.kehrer@squirepb.com

SQUIRE PATTON BOGGS (US) LLP

*Counsel for National Stone, Sand &
Gravel Association, et al.*

/s/ Kathryn McMahon

KATHRYN MCMAHON

MARK M. TRAPP

53 West Jackson Blvd, Suite 1352

Chicago, IL 60604

T: (312) 809-8122

mtrapp@connmaciel.com

kmcmahon@connmaciel.com

CONN MACIEL CAREY LLP

*Counsel for Sorptive Minerals
Institute and Blue Mountain
Production Company*

/s/ Brad Mantel

BRAD MANTEL

Suite N4420-N4430

Washington, DC 20210

T: (202) 693-5486

F: (202) 693-9392

U.S. DEPARTMENT OF LABOR

OFFICE OF THE SOLICITOR

DIVISION OF MINE SAFETY & HEALTH

*Counsel for MSHA and
the Secretary of Labor*

CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2025, I electronically filed the foregoing Joint Status Report with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. All parties are represented by counsel and are registered CM/ECF users.

/s/ Keith Bradley
KEITH BRADLEY